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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,384	12/30/1999	DOMINIC JOHN MOREA	06042-0180	7755

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EXAMINER

PWU, JEFFREY C

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/476,384

Applicant(s)

MOREA ET AL.

Examiner

Jeffrey Pwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/31/2003 amendment.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12,16. 6) ☐ Other: _____

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DETAILED ACTION

1. The group art unit of the Examiner handling your case has changed. The new art unit is 3628. Please use current art unit on all correspondence to help us route your case in a timely fashion.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 23-75 are rejected under 35 U.S.C. 102(e) as being unpatentable by Kramer et al. (US 6,324,525).

Kramer et al. teaches:

23. A computer-implemented method for enabling payment of a transaction between a buyer and a seller through a payment enabler, comprising the steps of:

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receiving, over a computer network, seller registration information for a disbursement instrument (merchant account; 8000, 8010; 6810; 6800; 6900; 6910; 7000; 7010; 7100; 7110);

providing, over the computer network, the seller with a first plurality of payment instrument types (col.28, lines 54-64; credit cards, debit cards, electronic cash, micro-payments (electronic coin), smart cards etc.);

receiving, over the computer network, a selection of a second plurality of payment instrument types that the seller chooses from the first plurality of payment instrument types (col.29, line 27-col.30, line 53);

receiving, over the computer network, a referral for payment processing (see payment authorization and col.18, line 4-col.23, line 34);

receiving, over the computer network, buyer registration information of a payment instrument corresponding to one of the second plurality of payment instrument types (120; 2006; also see fig.20B, customer account);

receiving, over the computer network, a command to transfer an amount of money corresponding to a payment (figs. 22 and 20A);

ordering, a transfer of the amount of money corresponding to the payment through the payment instrument (see payment manager; 2606); and

ordering a second transfer of a disbursement amount of money to the seller through the disbursement instrument (col.127, line 53-cl.129, line 30).

24. The method of claim 23, further comprising the step of allowing the seller to define an additional charge to be added to a sale price for a purchase of the buyer, and wherein the payment comprises the sale price plus the additional charge (see payment manager).

25. The method of claim 24, wherein the additional charge comprises sales tax (see payment manager).

26. The method of claim 24, wherein the additional charge comprises shipping costs (see payment manager).

27. The method of claim 24, wherein the additional charge comprises handling costs (see payment manager).

28. The method of claim 23, further comprising the steps of receiving underwriting assessment information from the seller (see issuers 6960-6970; figs. 69-71) and based upon consideration of the underwriting assessment information, approving the seller to offer the second plurality of payment instrument types (col.133, lines 43-67).
29. The method of claim 28, wherein the step of approving the seller to offer the second plurality of payment instrument types comprises placing the seller into a tiered risk category (col.136, lines 34-59).
30. The method of claim 29, further comprising the step of displaying to the buyer the tiered risk category of the seller (col.14, line 50-col. 17, line30).
31. The method of claim 28, wherein approving the seller to offer the second plurality of payment instrument types comprises a separate approval process for each payment instrument type(col.14, line 50-col. 17, line30; 620).
32. The method of claim 23, wherein the step of receiving a referral comprises branding the payment enabler similar to a requesting web site that provided a referral to create an appearance that the payment enabler is operated by the requesting web site (154).
33. The method of claim 23, further comprising providing the seller with backroom capabilities for reviewing transactions in which the seller has been involved (see merchant offline/bach mode; fig. 37, offline authorization).
34. The method of claim 33, further comprising assigning a unique reference number to a transaction so that the seller can refer to the transaction without knowledge of the buyer registration information for the payment instrument (see payment manager).
35. The method o f claim 23, wherein the step of receiving buyer registration information of the payment instrument occurs dynamically after the buyer and the seller agree upon the transaction (see payment manager).

36. The method of claim 23, wherein the step of receiving buyer registration information of the payment instrument occurs statically before the buyer and the seller agree upon the transaction (315; 325; fig. 18A).

37. The method of claim 23, further wherein the step of receiving the referral for payment processing comprises receiving the referral from a transaction facilitator (issuer 7260-8070).

Claims 38-49 are similarly rejected as in claims 23-37:

38. A computer-implemented method for enabling payment of a transaction between buyer and a seller through a payment enabler, comprising the steps of
receiving, over a computer network, seller registration information for a disbursement instrument;

providing, over the computer network, the seller with a first plurality of payment instrument types;

receiving, over the computer network, a selection of a second plurality of payment instrument types that the seller chooses from the first plurality of payment instrument types as to define selected payment types;

receiving underwriting assessment information from the seller;
based upon consideration of the underwriting assessment information, separately approving (see issuers 7260-8070);

each of the selected payment instrument types as to define approved payment instrument types;

displaying the approved payment instrument types to the buyer;
receiving, over the computer network, a referral for payment processing of the transaction;

receiving, over the computer network, buyer registration information of a payment instrument corresponding to one of the approved payment instrument types;

receiving, over the computer network, a command to transfer an amount of money corresponding to a payment;

ordering a transfer of the amount of money corresponding to the payment through the payment instrument; and

ordering a second transfer of a disbursement amount of money to the seller through the disbursement instrument.

39. The method of claim 38, further comprising allowing the seller to define an additional charge to be added to a sale price for a purchase of the buyer, and wherein the payment comprises the sale price plus the additional charge.

40. The method of claim 39, wherein the additional charge comprises sales tax.

41. The method of claim 39, wherein the additional charge comprises shipping costs.

42. The method of claim 39, wherein the additional charge comprises handling costs.

43. The method of claim 38, further comprising the step of displaying to the buyer a tiered risk category of the seller.

44. The method of claim 38, wherein the step of receiving, a referral comprises branding the payment enabler similar to a requesting web site that provided the referral to create an appearance that the payment enabler is operated by the requesting web site.

45. The method of claim 38, further comprising providing the seller with backroom capabilities for reviewing transactions in which the seller has been involved.

46. The method of claim 38, further comprising assigning a unique reference number to a transaction so that the seller can refer to the transaction without knowledge of the buyer registration information for the payment instrument.

47. The method of claim 38, wherein the step of receiving buyer registration information of the payment instrument occurs dynamically after the buyer and the seller agree upon the transaction.

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48. The method of claim 38, wherein the step of receiving buyer registration information of the payment instrument occurs statically before the buyer and the seller agree upon the transaction.

49. The method of claim 38, further wherein the step of receiving the referral for payment processing comprises receiving the referral from a transaction facilitator.

Claims 50-60 are similarly rejected as in claims 23-37:

50. A computer-implemented method for enabling payment of a transaction between a buyer and a seller, through a payment enabler, comprising the steps of:

- receiving, over a computer network, seller registration information for a disbursement instrument;

- receiving underwriting assessment information from the seller;

- based upon consideration of the underwriting assessment information, placing the seller into a tiered risk category (col.17, line 27-col.20, line 55);

- based upon the tiered risk category, determining a maximum amount of money the seller can receive through a payment instrument for a single transaction;

- receiving, over the computer network, a referral for payment processing of the transaction;

- receiving, over the computer network, buyer registration information of a payment instrument;

- determining if the transaction is under the maximum amount of money for a single transaction (see payment manager);

- if the transaction is under the maximum amount of money for a single transaction, then perform the following steps:

- receiving, over the computer network, a command to transfer an amount of money corresponding to a payment;

- ordering a transfer of the amount of money corresponding to the payment through the payment instrument; and

- ordering a second transfer of a disbursement amount of money to the seller through the disbursement instrument.

- if the transaction is not under the maximum amount of money for a single transaction,

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then not allow processing of the transaction.

51. The method of claim 50, further comprising allowing the seller to define an additional charge to be added to a sale price for a purchase of the buyer, and wherein the payment comprises the sale price plus the additional charge.
52. The method of claim 51, wherein the additional charge comprises sales tax.
53. The method of claim 51, wherein the additional charge comprises shipping costs.
54. The method of claim 51, wherein the additional charge comprises handling costs.
55. The method of claim 50, wherein the step of receiving the referral comprises branding the payment enabler similar to a requesting web site that provided the referral to create an appearance that the payment enabler is operated by the requesting web site.
56. The method of claim 50, further comprising providing the seller with backroom capabilities for reviewing transactions in which the seller has been involved.
57. The method of claim 50, further comprising assigning a unique reference number to a transaction so that the seller can refer to the transaction without knowledge of the buyer registration information for the payment instrument.
58. The method of claim 50, wherein the step of receiving buyer registration information of the payment instrument occurs dynamically after the buyer and the seller agree upon the transaction.
59. The method of claim 50, wherein the step of receiving buyer registration information of the payment instrument occurs statically before the buyer and the seller agree upon the transaction.
60. The method of claim 50, further wherein the step of receiving the referral for payment processing comprises receiving the referral from a transaction facilitator.

Claims 61-74 are similarly rejected as in claims 23-37):

61. A computer-implemented method for enabling payment of a transaction between a buyer and a seller through a payment enabler, comprising the steps of: receiving, over a computer network, seller registration information for a plurality of disbursement instruments;

receiving, over the computer network, a referral for payment processing of the transaction;

receiving, over a computer network, buyer registration information for a payment instrument;

receiving, over a computer network, a selected disbursement instrument from the plurality of disbursement instruments;

receiving, over a computer network, a command to transfer an amount of money corresponding to a payment;

ordering a transfer of the amount of money corresponding to the payment through the payment instrument; and

ordering a second transfer of a disbursement amount of money to the seller through the selected disbursement instrument.

62. The method of claim 61, further comprising allowing the seller to define an additional charge be added to a sale price for a purchase of the buyer, and wherein the payment comprises the sale price plus the additional charge.

63. The method of claim 62, wherein the additional charge comprises sales tax.

64. The method of claim 62, wherein the additional charge comprises shipping costs.

65. The method of claim 62, wherein the additional charge comprises handling costs

66. The method of claim 61, further comprising the steps of: receiving underwriting assessment information from the seller; and

based upon consideration of the underwriting assessment information, approving the seller to accept the payment instrument.

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67. The method of claim 66, wherein the step of approving the seller to accept payment instrument comprises placing the seller into a tiered risk category.

68. The method of claim 67, further comprising the step of displaying to the buyer the tiered risk category of the seller.

69. The method of claim 61, wherein the step of receiving the referral comprises branding the payment enabler similar to a requesting web site that provided the referral to create an appearance that the payment enabler is operated by the requesting web site.

70. The method of claim 61, further comprising the step of providing the seller with backroom capabilities for reviewing transactions in which the seller has been involved.

71. The method of claim 61, further comprising the step of assigning a unique reference number to a transaction so that the seller can refer to the transaction without knowledge of the buyer registration information for the payment instrument.

72. The method of claim 61, wherein the step of receiving buyer registration information of the payment instrument occurs dynamically after the buyer and the seller agree upon the transaction.

73. The method of claim 61, wherein the step of receiving buyer registration information of the payment instrument occurs statically before the buyer and the seller agree upon the transaction.

74. The method of claim 61, further wherein the step of receiving the referral for payment processing comprises receiving the referral from a transaction facilitator.

Claims 75-89 are similarly rejected as in claims 23-37:

75. A computer-implemented method for enabling payment of a transaction between a buyer and a seller through a payment enabler, comprising the steps of:

receiving, over a computer network, seller registration information for a disbursement instrument;

receiving, over the computer network, a referral from a requesting web site for payment processing of the transaction;

branding the payment enabler similar to the requesting the site to create an appearance that the payment enabler is operated by the requesting web site (fig.20B);

receiving, over the computer network, buyer registration information for a payment instrument;

receiving, over the computer network, a command to transfer an amount of money corresponding to a payment;

ordering a transfer of the amount of money corresponding to the payment through the payment instrument; and

ordering a second transfer of a disbursement amount of money to the seller through the disbursement instrument.

76. The method of claim 75, further comprising allowing the seller to define an additional charge to be added to a sale price for a purchase of the buyer, and wherein the payment comprises the sale price plus the additional charge.

77. The method of claim 76 wherein the additional charge comprises sales tax.

78. The method of claim 76, wherein the additional charge comprises shipping costs.

79. The method of claim 76, wherein the additional charge comprises handling costs.

80. The method of claim 75, further comprising:

receiving underwriting assessment information from the seller; and
based upon consideration of the underwriting assessment information, approving the seller to accept payment instrument.

81. The method of claim 80, wherein approving the seller to accept payment instrument comprises placing the seller into a tiered risk category.

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82. The method of claim 81, further comprising the step of displaying to the buyer the tiered risk category of the seller.

83. The method of claim 75 further comprising the step of providing the seller with backroom capabilities for reviewing transactions in which the seller has been involved.

84. The method of claim 75, further comprising the step of assigning a unique reference number to the transaction so that the seller can refer to the transaction without knowledge of the buyer registration information for the payment instrument.

85. The method of claim 75, further comprising:
receiving a request from the buyer for information about the seller; and providing-the buyer with the information about the seller.

86. The method of claim 85, wherein the information about the seller comprises information about prior transactions of the seller-

87. The method of claim 75, wherein the step of receiving buyer registration information of the payment instrument occurs dynamically after the buyer and the seller agree upon the transaction.

88. The method of clam 75, wherein the step of receiving buyer registration information of the payment instrument occurs statically before the buyer and the seller agree upon the transaction.

89. The method of claim 75, further wherein the step of receiving the referral for payment processing comprises receiving the referral from a transaction facilitator.

Response to Arguments

3. Applicant's arguments with respect to claims 23-89 have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Pwu whose telephone number is 703 308-7835. The examiner can normally be reached on 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on 703 308-7835

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-7835.

Jeffrey Pwu



April 18, 2003

**JEFFREY PWU
PRIMARY EXAMINER**